



CITY OF BURBANK

APPLICATION FOR APPOINTMENT TO CITY CLERK

CITY CLERK 12 JUN 1PM 1:31

Mr./Ms./Mrs. _____
Name _____ Rogers _____ William "Will" _____

P

Resident of Burbank for ^{(since} Dec. '97) 15 Years Burbank Registered Voter: Yes XXX ☒ No _____

Fax No. _____ N/A _____

*****Pursuant to Charter Sections 800 and 810, no person shall be eligible to be City Clerk unless he/she is an elector of and actually lives in the City.***

Education:

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
Please see attached		

Additional Pertinent Courses or Training: Please see attached

Other Pertinent Skills, Experience or Interests: Please see attached

Employment Information:

Present Occupation: Freelance Writer/Journalist & Actor

Name of Firm: Self-Employed

Address: See Above

Telephone: See Above

Specify current or prior service on a City Board, Commission or Committee:

Due to my status as a journalist either covering city government or soliciting assignments related to this and area municipal governments, I've been prohibited by ethics of the profession from seeking or accepting appointment to any city board, commission or committee. If appointed now, of course, I'd cease these journalistic pursuits.

APPLICANT'S NAME: Will Rogers

List community activities in which you are involved:

On the attachment, the response to this is found beneath the heading of "Other Pertinent Skills, Experience or Interests."

Describe any qualifications, experience, and education, as well as any technical or professional background you may have relative to the duties of this position:

On the attachment, the response to this is found beneath the heading of "Other Pertinent Skills, Experience or Interests."

What are your goals in serving as the City Clerk?

Please see the attachment, Pages 5 & 6

PLEASE NOTE THAT THIS APPLICATION BECOMES PUBLIC INFORMATION AND MAY BE AVAILABLE ON THE CITY'S WEBSITE.

You are encouraged to attach additional pages, enclose a copy of your resume or submit supplemental information which you feel may assist the City Council in the evaluation of your application.

When completed mail/submit original to:

**Office of the City Clerk
City of Burbank
275 East Olive Avenue
Burbank, California 91502**

"EDUCATION"

I graduated from Thomas Jefferson Sr. High School in Bloomington, MN in 1975. From there I attended college at the Chicago Institute of Art-The Goodman School, a 4-year theatre arts college, until 1977, when I returned to the Minneapolis area. I then attended Normandale College, taking courses primarily in theater arts/communications and criminal justice/Constitutional law. I did this while working full-time as an assistant manager for what was effectively a local pizza shop and family restaurant. When I left approximately three years later I was the corporation's vice-president, overseeing three full-service restaurants and a large number of employees.

Having left the school early, I did not earn a degree from The Goodman School, and I have no idea my course status with Normandale. I suspect I was near or had accomplished sufficient credits for a degree in theatre arts or communications, but I know I did not graduate, and have never requested nor had reason to review my transcripts of more than 30 years ago.

"OTHER PERTINENT SKILLS, EXPERIENCE OR INTERESTS"

I've been a freelance writer since 1983, writing under the names "William Rogers" and "Will Rogers," with sales running the gamut from television and feature scripts, to "personality profiles," interviews and other features. But in the mid-to-late 1980's I began to work almost exclusively in print journalism, and this led to further specialization in investigative reporting.

My work has been published internationally, nationally and locally, in publications that include "Der Spiegel" [Germany], the Los Angeles Times, LA Weekly, LA Reader, Capitol Journal [California], Meridian Publishing, and many others. Of course, VERY locally, beginning in 1990 I wrote columns for the Burbank Leader, Glendale-News-Press and Foothill Leader, and after two corporate change-overs, some of those works appeared in other Times Community News publications in Southern California. I've been awarded approximately 20 first and second place awards for my work from the California Newspaper Publishers Association, and the Greater Los Angeles Press Club.

All of this work has brought me to working with City Clerk's offices, and their equivalents, across the region, the state and the nation. In the process, I've found that I and a handful of activists are typically much better informed than most appointed and elected administrators as to the legal obligations and, most especially, the discretionary powers of those offices with regard to noticing and public access requirements - most found locally under the Ralph M. Brown Act [The Brown Act] - and the California Public Records Act [CPRA].

In my early experience in Burbank and Glendale, City Halls appeared to regard both of these bodies of law as nuisances, and actively engaged in contortions and game-playing to ignore and thwart the spirit and the letter of the laws, the principles of which I believe are best summarized within the Brown Act's preamble:

"...The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."

C.G.C. 54950

For help in combating City Hall intransigence, and to learn more about the law involved, I became an early member of the "California First Amendment Coalition," and subsequently also a founding member of "CalAware," two organizations dedicated to and active in helping citizens gain access to information and the deliberative process of their governments. These are associations I maintain today.

The challenges were significant. Even after years of effort, still one day I went to Glendale's City Hall and asked for the minutes of a recent meeting of the Planning Commission. The clerk I spoke with told me she'd have to first speak with the city attorney to obtain permission to release those materials.

Obviously, the City Attorney did eventually "approve" that "release," but the incident remains as a clear example of some in City Hall whose first reflexive response is to choke off access to information, and to create obstacles to access. I've perceived this as a preference to withhold information, regardless of the law, rather than risk the ire or disapproval of officials who might be embarrassed or compromised by a release.

When I began asking for copies of public records in Burbank, the city was so unaccustomed to such requests that it had reportedly not yet established a standard charge for copies, instead relying upon asserting the same per-page levied by the County. It was later determined this was significantly greater than the cost incurred by the city for photocopying a record - the only expense the city was legally allowed to charge - and a reasonable fee was later formally established.

As I undertook these efforts, I sat in the council chambers at meeting after meeting while officials whose excesses were revealed in public records I had been able to obtain by a variety of means actually railed to the cameras about the enormous imposition and expense of giving the public information to which it was entitled.

At one point the City Council - which included no one in office today - with great gnashing of teeth and wringing of hands - formally established a special budget account of \$10,000, supposedly to pay the expected costs to taxpayers of producing public records. The meeting audience in the chamber and watching the cablecast at home was advised that THIS was the extent of taxpayer funds being wasted on noxious requests for public records.

In fact, it's my understanding not one dollar was ever spent from that account, and the following year the funds were quietly re-appropriated elsewhere.

At a later date I was working on stories involving the myriad perks for travel, automobiles and cell phones provided to city council members and staff, and had to file suit in order to pursue access to the invoices. Unfortunately, I lost that case, and the cell phone invoices in particular were kept secret. The city attorney at the time attempted to obtain a judgment against me for legal costs premised upon the argument that my case was frivolous. Instead, the judge concluded the question at hand was a fair and reasonable one, and rejected the city's motion. Better still, roughly a year later the State Legislature effectively took my side in the argument, and clarified state law to essentially neutralize the argument employed by the city to assert invoices like those I'd requested were confidential.

I could go on and on (as some of you know), citing distant and more recent examples of my work in diligently and zealously protecting the public's access to information and the deliberative process, and protecting taxpayer interests. Indeed, I can also cite examples of when the latter did not endear me to activists and the popular consensus.

One example perhaps best exemplified this, when an exceptionally popular ballot measure was coming before voters.

Given an opportunity to review the "final draft" of a measure to limit local airport development, and after consulting with experts in a variety of relevant fields, I concluded the measure was rife with egregious errors and unintended consequences. As an easy "for instance," as written, the measure would have inadvertently prohibited police air patrol operations at night.

The authors hastily rewrote some portions of what was ostensibly the final draft of the measure, but insisted on proceeding despite many problems remaining, and the measure was enthusiastically approved by voters. The courts subsequently struck down the ballot measure premised on myriad shortcomings. I'd cite that as vindication of my assessment of the ballot, but doing so would imply a suggestion courts are infallible arbiters. And to this day I remain certain the court in the earlier Rogers v. Burbank case should have allowed me access to the records the State Legislature later pried open.

My repeatedly asserting the ballot measure's shortcomings was not appreciated by proponents - clearly a majority of the voters, and even to this day is used by some as a means to contort and fabricate my alleged sentiments on the issue. But, in fact, my sentiments on the issue simply did not have an impact on impartially determining what was clearly right and what was clearly wrong.

This is an ethical standard I've also maintained in the years I served on the Board of Directors of the Los Angeles Press Club, and in the last 7 years on the Board of Directors of a charitable non-profit here in Burbank.

I believe I'm known as one who will ask the uncomfortable question of my superiors, and of my peers and colleagues, when the answer is central to a task being completed with integrity. Moreover, in both of the volunteer positions I've established that I am not

a board member who simply attends monthly meetings, using the bulk of the session to speedily review the agenda packet for the first time.

Rather, I'm very much hands-on, and have been involved in literally every major project. For example, with the charitable non-profit here in Burbank, I undertook an 18-month-long process to create a new Policies & Procedures Manual and an Operations Manual, addressing literally every function and aspect of the agency. For myself as Chair, working with a committee of board colleagues, this work ran the gamut, from researching employment law and generating vacation, performance evaluation and non-discrimination policies, to establishing procedures for handling cash, locking up, reporting injuries, emergency responses, and creating for the first time employee and volunteer handbooks. I also crafted the agency's policies for public records that, among other points, dictated the entity's most-recent tax filings be made available on-line, policies eventually approved by the full board.

Other tasks I've undertaken myself in these positions, or participated in as a principal, include years of budgeting for an entity with a bottom line astonishingly similar to that of the City Clerk's office, research and study of software for use by the agency, staff performance reviews, and even a property acquisition. An example of a shorter-term activity - requiring far in excess of "full-time" work - has been maintaining and expanding a program that consumes 4 months of each year, collecting, processing and distributing thousands of toys to needy children. This task alone required single-handedly developing an inventory system to document, categorize and essentially file as many as 14,000 toys annually, including processes for handling receipts, as well as donations to other organizations, all recorded and documented for the agency's accountants, and sufficient to have easily passed muster in rigorous audits.

In the end, I believe my experience between 1990 and 2004, along with the support of Burbank's citizens and the election of like-minded council members, led to dramatic improvements in City Hall's attitudes toward public access and information, a campaign that is not over. This, to an almost absurd degree, established my bono fides as one passionately committed to the principles integral to the service of a City Clerk. And in both my work and volunteer experiences, before that period, throughout it, and in the time since, I've only enhanced virtually every practical skill set required for administering the office of City Clerk.

"WHAT ARE YOUR GOALS IN SERVING AS CITY CLERK?"

This is a two-fold challenge, in that accomplishing the duties of the office as enumerated in the City Charter is obviously critical, including conducting impartial and trustworthy elections, processing economic disclosure and campaign finance reports, maintaining the city's records, responsibility for bids, public meeting and other legal notices, and all this in addition to generating meeting minutes for a variety of agencies. Plus, the conduct of these tasks, and others inherent to the office, is typically held to exacting standards set in state law and Burbank's Municipal Code.

But I believe another challenge is to help the general public - and on occasion, even some council members and city staff - understand why it is urgently important for Burbank voters to make an informed choice and elect a competent, independent, and respected City Clerk. This means a City Clerk passionate about and committed to providing Burbank residents access to information and the deliberations of elected and appointed officials, as well as a Clerk capable of rendering decisions that leave no room for reasonable doubt they were made to the benefit of citizenry.

Ultimately, I'd expect to see these latter efforts result in voters regarding elections for the office of City Clerk as being no more or less important to their community than those for city council members. I believe all available evidence indicates that is not the case today.

It's a given the next City Clerk must be committed to accomplishing the duties of the office as enumerated in the City Charter, and to doing so pursuant to the exacting standards set out by law and ordinance. Beyond that, my additional goals are to:

- Assure that, to the extent the City Clerk is empowered to act unilaterally, policies and practices of the Clerk's office respect the "spirit" as well as the letter of the Brown Act and the CPRA, ideally as summarized by the Brown Act preamble previously excerpted.
- I very much want to work with the City Council, the People and city staff to explore the potential for discarding the current "vote-by-mail" system and returning to the conventional "election day" system, which DID permit voters to enjoy the convenience of voting by mail if they wished.

While I expect to expand on this in my 3 minute statement, and in the later presentation to the City Council, I will list the basics of my rationale here. I believe the "vote-by-mail" system offers a significant advantage to incumbent candidates. While the hoped-for dramatic increase in voter participation might have made some trade-offs worthwhile, that increase has not come to pass.

We may ultimately learn the expense of a return to the old system is simply not acceptable to the citizens. But I do not believe that we have seen to date a full analysis of those expenses presented alongside a similarly forthright and complete analysis of the "vote-by-mail" system's benefits and shortcomings.

If retaining the "vote-by-mail" system were to become the final result of these analyses, then I believe it's important to look for ways in which the advantages currently enjoyed by incumbents seeking reelection can be neutralized.

- I believe it is important to work with the City Council, city staff and the People to look for means to put an end to the City Clerk's position being what some have called a "hand-me-down" office. Over recent decades I believe we've seen two patterns repeated, with either the outgoing City Clerk or the City Council playing an integral, if inadvertent, role in effectively determining who will be the next elected City Clerk, this rather than voters making informed judgments premised upon a review of each candidate's record and platform.

Ultimately, it is the voter who fills in an oval, makes an X, or punches a chad, and they are responsible for their choices. But decades of experience tells me the large majority make that choice premised largely upon the candidate's listed occupation on the ballot. Over the years we've seen outgoing City Clerks, in what they know to be their final year, select someone - sometimes bringing them in from other city departments - to name as "Deputy City Clerk." This virtually assures that individual's eventual election.

The other pattern, of course, is underway right now. While this year's change-over is under different circumstances from the last time we saw the Council appoint a replacement, there are some similarities, and that last was a process wherein literally every observer I know of was virtually certain of who the eventual appointee would be long before applications for the position had even been submitted. Whether the perceptions were valid or wholly unfounded is immaterial, as no elected official can claim to be unfamiliar with the concept of avoiding "even the appearance" of decisions having been made in private offices and back hallways.

Taking into account the constraints of election law, the City Charter and the like, I plan to explore with the City Council, staff and citizens potential changes in policies and practices that would 1.) Educate voters on the importance of thorough consideration of all candidates for City Clerk as mentioned earlier and, 2.) Discourage the sort of machinations we've seen that either intentionally or inadvertently create at least the appearance of an "inside track" for the office.

- Though not noted within the City Charter, I believe one obligation inherent to the office of City Clerk is developing an effective plan or campaign to encourage citizen participation in local elections. Again, working in concert with the City Council, staff and citizens, I plan to explore what efforts have been undertaken in the past, which ones have and have not worked, and why, and from there craft a program that will seek to generate a substantive improvement in the level of voter participation in Burbank's elections.

Will Rogers, May 31, 2012

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